

GERMAN ATV RULES AND STANDARDS

W A S T E W A T E R - W A S T E

STANDARD ATV - A 400E

Principles for the Preparation of German ATV Standards

4th Revised Edition

February 1998

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ISBN 978-3-927729-73-5

Advice

The German edition of ATV Standard A 400, dated February 1998, has in the meantime been withdrawn and replaced by ATV-DVWK Standard A 400 "Grundzüge für die Erarbeitung des ATV-DVWK-Regelwerkes".

Date of issue: July 2002

Currently there is no translation in English of ATV-DVWK Standard A 400 (July 2002).



Distribution: GFA Gesellschaft zur Förderung der Abwassertechnik e.V.
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Foreword to the 4th Edition

The 1st Edition of the ATV Standard ATV-A 400 was published in August 1984 in order to create the possibility of establishing "generally recognised rules of technology" for wastewater and waste engineering through a formal participation procedure. It is a binding regulation for the course of action with the production of the German ATV Standards.

Through the restructuring of the ATV in 1986 there resulted a change of the responsibilities within the ATV steering committees so that an editorial review of the ATV Standard ATV-A 400 was necessary. The 2nd Edition was published in October 1986. The 3rd Edition, dated January 1994 had a clearer structuring of the German ATV Standards as objective. Since then no further "Guides" have been produced and only "ATV Standards" (A-series) and "ATV Advisory Leaflets" (M-series) have been published within the German ATV Set of Rules and Standards.

In July 1996 the Management Board of the ATV once again decided to revise the ATV-A 400 with the aim to match it, in its contents, to the further development of the Water Resources Management Law (Wasserhaushaltsgesetzes (WHG)) (6th Revision) and to plan further steps to accelerate procedures, in particular for the revision of existing rules.

The processing has shown that the acceleration effect is to be achieved essentially through amendments to the Rules of Procedure for the ATV committees and working groups, so that, at this level, the aim of procedural acceleration is speeded up further. In addition, Chapter 5 "Application of the German ATV Standards" and the user information based thereon is revised in the ATV Standards and Advisory Leaflets.

1 Objective - Area of Application

Common technical rules make a considerable contribution to effective and economic pollution control and to the general protection of the environment. They serve the well-being of the community. They are to correspond with technical knowledge taking into account functional safety as well as security, hygienic and economic requirements.

The ATV produces common technical rules for the field of wastewater and waste engineering and publishes these in the German ATV Set of Rules and Standards Wastewater - Waste, referred to hereafter by the short title "German ATV Standards - Wastewater - Waste". In particular the German ATV Standards cover statements on planning, construction, operation and maintenance of wastewater and waste technical plants and structures as well as measures of pollution control. At the same time it serves both training and further training.

As required, ATV, together with other technical-scientific associations, elaborates common rules.

2 German ATV Standards Wastewater - Waste

2.1 General

The German ATV Standards consist of:

- ATV Standards (A-series) and
- ATV Advisory Leaflets (M-series)

ATV Standards differ from ATV Advisory Leaflets through the degree of participation of the public with their creation and thus also to the degree of their recognition.

2.2 ATV Standards

The task of the ATV Standards is to describe the procedures, installations and methods of operation which are generally recognised.

The ATV Standards are produced by specialist committees and are subject to a formal, public process of recognition.

The abbreviation of the ATV Standards is ATV-A, supplemented by the respective Standard number.

2.3 ATV Advisory Leaflets

The task of the ATV Advisory Leaflets is to provide recommendations and aids for the solution of technical and operational problems. They can also represent supplements to ATV Standards such as describing procedures, installations and methods of operation which are still not prerequisites for the recognition as a standard.

The abbreviation for ATV Advisory Leaflets is ATV-M and is supplemented by the respective Advisory Leaflet number.

2.4 Collaboration with Other Associations

If a rule is elaborated together with another association it must be determined at the start, whether the ATV A-400 or the procedural regulations of the other association are to be applied. Information on the initiation of joint work is to be given in "Korrespondenz Abwasser" (KA) and in "Das Gas- und Wasserfach (gwf).

3 Composition of the Rules and Standards

ATV Standards and ATV Advisory Leaflets are to be drawn up based on the appropriate part of DIN 820 "Standardisation Work".

4 Origin of the German ATV Standards

4.1 Initiation of Work

Anyone can propose a new development or revision to the Head Office. The decision on the acceptance or rejection of the task as well as the integration of the work within the German ATV Standards is made on the basis of a project description. The decision is to be made within three months.

4.2 Procedure for Elaboration

ATV Standards and ATV Advisory Leaflets are processed according to specialist and subject areas in committees or working groups or through these in collaboration with specialist committees of other technical-scientific associations.

The processing is in accordance with the principles regulated in the rules of procedure for the ATV committees and working groups.

4.3 Participation Procedure

Information on the initiation of work is to be given in the KA in the *gwf*. Here the question of whether it is a Standard or an Advisory Leaflet which is involved is also to be covered.

4.3.1 ATV Standards (A-series)

4.3.1.1 Release of the Draft

The release of the draft (Yellow Edition) of ATV Standards as well as their amendments and supplements is publicised to the specialist public in the KA, *gwf* and other specialist journals with reference to the relevant source and the time limit for raising objections. Those involved are informed separately

4.3.1.2 Comments on the Draft

Comments can be made on the drafts to the headquarters by anyone within a given reasonable period, as a rule three months, calculated from the time of being publicised in the KA, with details of the reasons (agreements, objections, proposals for modification and amendment).

Following termination of the period for raising objections the comments are discussed within the responsible committee with the participation of the working group concerned with the Standard. Those who have commented (petitioners) are to be invited to the deliberations in order that they can represent their comments before the responsible committee.

If petitioners have not themselves taken part in the deliberations they are to be informed in writing of the outcome.

4.3.1.3 Conciliation

If there is no agreement to the comment the petitioner can submit a request for conciliation to the Head Office within a period of one month following receipt of the notification with renewed justification in accordance with Point 4.3.1.2. This must be submitted to the Head Office in writing. The Head Office passes on this request to the members of the conciliation committee.

The conciliation committee is made up from:

- a member of the responsible main committee as chairman,
- the petitioner or a representative named by him,
- the chairman of the responsible specialist committee,
- a member of the responsible specialist committee or the responsible working group and
- the managing director or the responsible head of division as secretary.

The chairman can admit further experts without right of vote to the deliberations. If the petitioner names no representative or if he does not appear at the negotiations then the committee reaches a decision without them.

The request is completed if, in the conciliation committee, a formulation is found without votes against.

The conciliation committee passes the result of its deliberations to the specialist committee and to the petitioner.

The conciliation negotiations can be dispensed with if the chairman of the conciliation committee has achieved an agreement beforehand.

The conciliation procedure is to be completed, at the latest, two months after the request for conciliation.

4.3.1.4 Arbitration Procedure

If no agreement is achieved in the conciliation procedure, the petitioner can request arbitration procedure within a further period of one month following notification of the decision of the conciliation committee.

The request must be made to the Head Office by means of a registered letter with the concurrent naming of the specialists to be involved. The Head Office passes the request to the chairman of the arbitration committee.

The arbitration committee is made up from:

- a member of the Management Board as chairman,
- a member of Main Committee 4,
- a member of the responsible main committee,
- two specialist named by the petitioner and
- the managing director or the responsible division head as secretary.

Members of the committee concerned and the of the working group concerned as well as the petitioner may not be members of the arbitration committee.

Point 4.3.1.3, Para. 3, first sentence applies analogously.

The chairman of the arbitration committee decides whether the request can be decided by correspondence or whether the arbitration committee has to meet together.

Should the arbitration committee consider the request to be substantiated it agrees it or tasks the responsible committee to deal with the request again. Otherwise the arbitration committee rejects the objection. The arbitration committee makes its decision by simple majority. Point 4.3.1.3, Para. 5, applies accordingly.

The arbitration procedure is to be completed, at the latest, two months following application.

4.3.1.5 *Delaying Effect*

The opening of the conciliation and the arbitration procedures has no delaying effect on the further processing of the Standard. This does not apply in the case where matters of safety or of the protection of health are the subject of the procedure.

4.3.1.6 *Period of the Procedure Following Yellow Edition*

The period of the procedure following publication of the Yellow Edition is not to be longer than 18 months. After 12 months the responsible committee must decide whether to continue with the work, whether a new Yellow Edition is to be produced or to give up the project.

4.3.1.7 *Repeat Publication of the Draft*

If, during negotiations, amendments result of a significant nature, a renewed publication of the draft, if necessary with a shortened period for raising objections, is carried out on the recommendation of the responsible committee.

4.3.2 *ATV Advisory Leaflets (M-series)*

Before publication, ATV Advisory Leaflets are to be sent in draft form to specialist groups which, in the committee's opinion, are concerned. The period for comment is to be at least one month.

The ATV Advisory Leaflets are adopted by the respective committee following internal agreement taking into consideration comments submitted.

4.4 *Adoption and Printing (White Edition)*

If the participation process is completed the responsible committee presents the final edition of the text of the Standard to the Management Board, the final version of the Advisory Leaflet to the responsible main committee for release for publication (White Edition). The release is announced in the KA, in the *gwf* and, if required, in other specialist journals.

With this the following is given:

- title and number of the ATV Standard or ATV Advisory Leaflet,
- date of issue.

4.5 Validity

ATV Standards are valid from the date of issue. Published Standards remain valid until a new White Edition is published or until they are withdrawn in accordance with the rules of procedure for the committees and working groups of the ATV.

4.6 Revision of Existing Rules

ATV Standards and ATV Advisory Leaflets are to be examined for their actuality at the latest every five years. The specialist public are to be involved with this in a suitable manner (e.g. information in the KA). Here, it is to be decided whether they can be retained or whether they have to be withdrawn.

A renewed participation procedure can be dispensed with for factual changes and amendments, if these are of a non-significant nature. With ATV Standards this requires the agreement of the Management Board and with ATV Advisory Leaflets the agreement of the responsible main committee.

The intended amendment of ATV Standards will be announced, with justification, in the KA and *gwf* three months before coming into effect in order to give the specialist public an opportunity to make comments.

5 Application of the German ATV Standards

The German ATV Set of Rules and Standards (in short "German ATV Standards") is the result of honorary, technical-scientific/economic collaboration which has been achieved in accordance with the principles applicable for these (regulations, Rules of Procedure of the ATV and ATV Standard ATV-A 400). For these, according to precedents, there exists an actual presumption that they are textually and technically correct and, with regard to the ATV Standards, are also generally recognised.

The application of the German ATV Standards is open to everyone. However, an obligation for application can arise from legal or administrative regulations, contractual or other legal reason.

The German ATV Standards are an important, however, not the sole source of information for correct solutions. With their application no one avoids responsibility for his action or for the correct application in specific cases; this applies in particular for the correct handling of the margins described in the Rules and Standards.

6 Copyright

The ATV, as specific publisher of the German ATV Standards, is authorised to enforce copyright. Accordingly the ATV is, in particular, entitled to the rights of reproduction and dissemination.

An enforcement of the rights of individuals to the results of the rules with the nature of this work as collaborative work, cannot be agreed.

Participation in the elaboration of the German ATV Standards includes the declaration that the rights in accordance with the copyright law are transferred to the ATV for exclusive use and dissemination.

The participation in the elaboration of the Rules and Standards within the ATV includes the agreement to grant simple right of use to third parties.

The agreement of the ATV is required for the reproduction and also the copying, as an extract or as a whole, of items of the Rules and Standards. This applies also for EDP type further processing.

Items of the Rules and Standards can also be translated into foreign languages with the agreement of the ATV.

7 Effective date

ATV Standard ATV-A 400 comes into force on publication. At the same time the previous version ceases to be valid.

Production of Standards and Advisory Leaflets

